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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/082,044	05/20/1998	NITIN J. SHAH	SHAH-11	2247

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EXAMINER

DINH, KHANH Q

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/082,044

Applicant(s)

SHAH, NITIN J.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,8,10,15,17 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,8,10,15,17 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Request for Reconsideration filed on 4/28/2005. Claims 1, 3-8, 10-15 and 17-21 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-8, 10-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkins et al. (DHCP for mobile networking with TCP/IP, IEEE, 6/27/1995) in view of Maddalozzo Jr. et al., US pat. No.5,974,460.

As to claim 1, Perkins discloses a system for communicating with the Internet comprising:

an address parser (using Dynamic Host Configuration Protocol DHCP) that makes a determination of whether said site is a mobile site or a fixed site (defining the location of the client when the mobile client is moving, see Perkins, page 256, sections

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2 and 3) and a site (Foreign Agent FA fig.1) couplable to a network that contains data presented at a site see fig.1, page 257).

a communication manager (Internet Host of fig.2) that manages communication with site based on determination when the site is the mobile site, either to said mobile site when said mobile site is available in a wireless communication with the network or the mobile site is out of wireless communication with said communication network (see page 257-258, section 3.1, 3.2, 3.3 and 4).

Perkins does not specifically disclose a mirror site containing a time-delay copy of data. However, Maddalozzo discloses a mirror site containing a time-delay copy of data (providing a mirror site to provide copies of the same information sought by users at any given time, see fig.3, col.1 lines 19-41 and col.3 line 57 to col.4 line 42). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's mirror site into the computer system of Perkins to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 3, the Perkins-Maddalozzo combination discloses that communications manager prompts said site to update said mirror (see Perkins's pages 257-258 and col.39 lines 28-65 and Maddalozzo's col.3 line 57 to col.4 line 42).

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As to claim 4, Maddalozzo discloses that communications manager buffers said communications to accommodate lower bandwidth when said site is a mobile site (defining the location of the client when the mobile client is moving, see Perkins, page 256, sections 2 and 3). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's mirror site into the computer system of Perkins to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 5, Perkins further discloses that the address parser makes said determination of whether said site is said mobile site (defining the location of the client when the mobile client is moving, see Perkins, page 256, sections 2 and 3). Maddalozzo disclose a plurality of web site linked to mirrored sites (see fig.3, col.1 lines 19-41 and col.4 line 58 to col.4 line 67, it is also inherent that these web sites/mirror sites having particular domain names). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's teachings into the computer system of Perkins to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

As to claim 6, Perkins further discloses that the communications manager acknowledges said communications to said mobile site (defining the location of the client when the mobile client is moving, see Perkins, page 256, sections 2 and 3)

As to claim 7, Perkins discloses that the communications manager and an address parser are associated with the Internet (see Perkins's figs 1, 2, pages 257-258).

Claims 8, 10 and 12-14 are rejected for the same reasons set forth in claims 1, 3 and 5-7 respectively.

Claims 11 and 18 are rejected for the same reasons set forth in claim 4.

Claim 15 is rejected for the same reasons set forth in claim 1 with the combination of Perkins and Maddalozzo. As to the added limitations, Perkins further discloses a plurality of fixed sites associated with the stationary host, a plurality of mobile sites having mobile-site domain names associated with the mobile host and a communications infrastructure that couples ones of said pluralities of fixed and mobile sites for communication (fig.1, section 3.1, 3.2 and section 5.1 on page 259). Maddalozzo discloses these sites having fixed-site domain names and mobile-site domain names (see fig.3, col.1 lines 19-41 and col.4 line 58 to col.4 line 67, it is also inherent that these web sites/mirror sites having particular domain names). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to utilize Maddalozzo's

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mirror site into the computer system of Perkins to provide data information to users because it would have enabled users to initiate selectively sample data transfers from a plurality of mirror sites on the Internet and thus provided the best transfer rates at the time of site selection.

Claims 17 and 19-21 are rejected for the same reasons set forth in claims 3 and 5-7 respectively.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-8, 10-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Claims 1, 3-8, 10-15 and 17-21 are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

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A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned (35 U. S. C . Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
7/22/2005